

STATE OF MINNESOTA
COUNTY OF WRIGHT

DISTRICT COURT
TENTH JUDICIAL DISTRICT
PERSONAL INJURY
COURT FILE NO. _____

ERLING A. HASS

Plaintiff

v.

NORTHERN TIER RETAIL LLC d/b/a SPEEDWAY

Defendant

SUMMONS

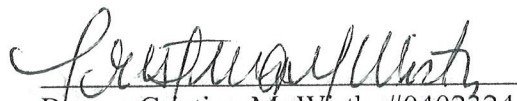
THE STATE OF MINNESOTA TO the above-named Defendant:

You are hereby summoned and required to serve upon Plaintiff's attorney an answer to the Complaint that is herewith served on you within twenty-one (21) days after the service of this Summons on you, exclusive of the day of the service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

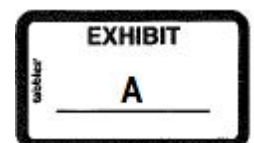
This case may be subject to alternative dispute resolution ("ADR") under Rule 114 of the General Rules of Practice for the District Courts. ADR rules do not suspend your obligation to serve an answer to the Complaint within twenty-one days.

Dated this 12th day of May, 2022.

BYE, GOFF & ROHDE, Ltd.


By: Cristina M. Wirth, #0402324
Attorneys for Plaintiff(s)

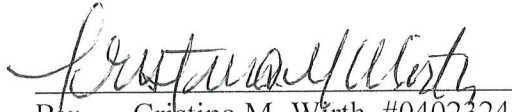
258 Riverside Drive, BOX 167
River Falls, Wisconsin 54022
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ACKNOWLEDGMENT

The undersigned acknowledges that sanctions may be imposed under the circumstances specified in Minn. Stat. § 549.211.

BYE, GOFF & ROHDE, Ltd.


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COMPLAINT

Plaintiff complains of Defendant, and for cause thereof alleges:

1. Plaintiff Erling A. Hass resides at 1504 Bailey Street, Hastings, Minnesota 55033.
2. Defendant Northern Tier Retail LLC d/b/a Speedway is an entity whose registered agent is Corporate Creations Network Inc., 5200 Willson Road #150, Edina, Minnesota 55424.
3. Realty Income Properties 3 LLC owns the property located at 4375 O'Day Avenue NE, St. Michael, Minnesota 55376, Wright County, Minnesota.
4. Pursuant to a Land and Building Lease Agreement between Realty Income Properties 3 LLC and Northern Tier Retail LLC d/b/a Speedway, Defendant Northern Tier Retail LLC d/b/a Speedway was the tenant of the property located at 4375 O'Day Avenue NE, St. Michael, Minnesota 55376, Wright County, Minnesota at all times material hereto.
5. Defendant Northern Tier Retail LLC d/b/a Speedway operated the Speedway Station located at 4375 O'Day Avenue NE, St. Michael, Minnesota 55376, Wright County, Minnesota. Defendant Northern Tier Retail LLC d/b/a Speedway occupied said premises at all times material hereto.
6. As the operator of the Speedway Station located at 4375 O'Day Avenue NE, St. Michael, Minnesota 55376, Wright County, Minnesota, Defendant Northern Tier Retail LLC d/b/a Speedway undertook and owed a duty of due and reasonable care to inspect, clean and maintain the premises, to warn entrants of hazardous conditions, and to detect and remove hazardous conditions.

7. As the occupier of the Speedway Station located at 4375 O'Day Avenue NE, St. Michael, Minnesota 55376, Wright County, Minnesota, a property open to the public, Defendant Northern Tier Retail LLC d/b/a Speedway, owed a duty of due and reasonable care to prevent foreseeable harm to entrants on the property such as Plaintiff Erling A. Hass. Defendant Northern Tier Retail LLC d/b/a Speedway undertook and owed a duty of due and reasonable care to inspect, clean and maintain the premises, to warn entrants of hazardous conditions, and to detect and remove hazardous conditions.

8. On December 23, 2019, Plaintiff Erling A. Hass was injured when he slipped on snow and ice conditions in the parking lot at the Speedway Station located at 4375 O'Day Avenue NE, St. Michael, Minnesota 55376, Wright County, Minnesota. Said injuries were proximately caused by the negligence of Northern Tier Retail LLC d/b/a Speedway and/or its employees and agents.

9. Defendant Northern Tier Retail LLC d/b/a Speedway and/or its employees and agents was negligent in failing to inspect and maintain the property and was negligent in failing to detect and remove a hazardous condition. Defendant or its employees or agents may have been causally negligent in other ways.

10. As a direct and proximate result of Defendant's negligence, Plaintiff Erling A. Hass has suffered serious injury and pain and suffering, and has incurred economic loss, non-economic loss and damages, past and future.

11. As a direct and proximate result of Defendant's negligence, Plaintiff Erling A. Hass has been caused to expend money for the medical care and treatment of his injuries, and in the future will be required to expend sums of money for medical treatment of his injuries.

12. Defendant Northern Tier Retail LLC d/b/a Speedway is directly or vicariously liable for the acts or omissions of its employees and agents in the course of employment.


13. Pursuant to a Land and Building Lease Agreement between Realty Income Properties 3 LLC and Northern Tier Retail LLC d/b/a Speedway, Defendant Northern Tier Retail LLC d/b/a Speedway must indemnify, defend, and protect Realty Income Properties 3, LLC and hold Realty Income Properties 3, LLC harmless from any claim that Realty Income Properties 3, LLC was negligent with respect to the December 23, 2019 incident alleged herein.

14. Plaintiff Erling A. Hass is entitled to recover damages from Defendant Northern Tier Retail LLC d/b/a Speedway for all the losses Plaintiff sustained as a direct and proximate result of Defendant's negligence.

WHEREFORE, Plaintiff prays for judgment against Defendant for damages in an amount exceeding Fifty Thousand Dollars (\$50,000), costs and disbursements, an order extinguishing claims of subrogation and reimbursement, and other relief the Court deems just.

Dated this 12th day of May, 2022.

BYE, GOFF & ROHDE, Ltd.

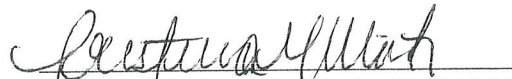

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